

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:14-cv-00078-FDW

JERMAINE THOMAS,)
)
Plaintiff,)
)
v.)
)
FNU HOLLAR, Correctional)
Officer, Alexander Correctional)
Institution,)
)
Defendant.)
_____)

ORDER

THIS MATTER is before the Court following a review of Plaintiff's *pro se* complaint which he filed pursuant to 42 U.S.C. § 1983.

Plaintiff is a prisoner of the State of North Carolina and was so at the time that he filed his complaint. Accordingly, Plaintiff must abide by the mandatory requirements of the Prisoner Litigation Reform Act ("PLRA") which provides that a prisoner must exhaust his administrative remedies prior to the commencement of a civil action under § 1983. The PLRA provides, in pertinent part that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." 42 U.S.C. § 1997e(a).


In North Carolina, State prisoners must complete a three-step administrative remedy procedure (ARP) in order to exhaust their administrative remedies. See N.C. Gen. Stat. §§ 148-118.1 to 148-118.9 (Article 11A: Corrections Administrative Remedy Procedure); Moore v. Bennette, 517 F.3d 717, 721 (4th Cir. 2008).

After reviewing the record in this matter it appears that Plaintiff may have failed to exhaust his available administrative remedies. Plaintiff states in his complaint that he filed “tort claims and grievances” but he does not indicate when or where he filed any such actions and he does not explain if the claims were ever adjudicated. (5:14-cv-00078, Doc. No. 1: Compl. at 4-5).

IT IS, THEREFORE, ORDERED that Plaintiff shall within fourteen (14) days from entry of this Order file a copy of his written grievance that is related to the allegations in his complaint and any responses thereto. Plaintiff is notified that failure to comply with this Order will result in dismissal of this civil action and without further notice.

SO ORDERED.

Signed: September 11, 2015


Frank D. Whitney
Chief United States District Judge

